

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

1.	WILLIAM MICHAEL ROWELL	)	
		)	
	Plaintiff,	)	
		)	
vs.		)	Case No. CIV-21-497-R
		)	
1.	UNITED STATES OF AMERICA	)	
		)	
	Defendant.	)	

**COMPLAINT**

Comes now the Plaintiff, William Michael Rowell, and for his claims against the United States of America, alleges and states as follows:

**JURISDICTION AND VENUE**

1. Plaintiff, William Michael Rowell, is a citizen of the State of Oklahoma. The amount of controversy, exclusive of interest and costs, exceeds \$75,000.00. Jurisdiction is proper in this Court pursuant to 28 U.S.C. § 1346(b)(1). Venue is proper pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events which form the basis of Plaintiff's claim occurred within the Western District of Oklahoma.

2. On July 18, 2019, a motor vehicle accident occurred in Comanche County, on U.S. Highway 62.

3. Defendant, United States of America, is named as a defendant pursuant to 28 U.S.C. § 2674, for actions attributable to it by its agency, the U.S. Department of Interior/Bureau of Indian Affairs.

4. Pursuant to the Federal Tort claims Act 28 U.S.C. § 2671, *et. seq.* and 43 C.F.R. § 22.3(b), notice of claim was provided to the Department of Interior dated July 23, 2020.

5. More than six (6) months has passed since the provision of the Notice of Claim without settlement of said claim and therefore said claim is deemed denied by the United States.

6. This case is brought pursuant to the Federal Tort claims Act 28 U.S.C. § 2671, *et. seq.*, and common law of the State of Oklahoma.

7. At all times pertinent hereto, Kenneth Weldon-Royce Stumblingbear was an employee of the United States of America/U.S. Department of Interior/Bureau of Indian Affairs.

8. On July 18, 2019, Kenneth Weldon-Royce Stumblingbear was driving a Chevrolet 1500 pickup truck owned by the United States of America/U.S. Department of Interior/Bureau of Indian Affairs, on Highway 62 in rural Comanche County, Oklahoma. Kenneth Weldon-Royce Stumblingbear was inattentive to his driving and the vehicle operated by him struck a vehicle driven by Daniel Robbins who then struck Plaintiff's vehicle causing injuries to Plaintiff.

9. As a direct result of the negligence of the Defendant, United States of America/U.S. Department of Interior/Bureau of Indian Affairs, the Plaintiff William Michael Rowell sustained personal injuries and damages.

10. Kenneth Weldon-Royce Stumblingbear was negligent in the operation of the vehicle he was operating and caused the collision which led to Plaintiff's injuries.

11. Defendant, United States of America/U.S. Department of Interior/Bureau of Indian Affairs are liable for the acts of Kenneth Weldon-Royce Stumblingbear, pursuant to the doctrine of *respondeat superior*.

12. As a direct result of the negligence of the Defendant, United States of America/U.S. Department of Interior/Bureau of Indian Affairs, Plaintiff has suffered injuries and damages.

### **DAMAGES**

13. The negligent conduct of the Defendant has caused the Plaintiff's loss and damages in an amount in excess of \$75,000.00.

WHEREFORE, Plaintiff, William Michael Rowell requests he recover money judgment for his damages in an amount to be proven at trial, but in excess of \$75,000.00, as against the United States of America/U.S. Department of Interior/Bureau of Indian Affairs, together with such interest and cost as may be provided by law, and/or such other relief as the Court deems appropriate.

### **TRIAL DEMAND**

Plaintiff demands a trial pursuant to the Seventh Amendment of the Constitution of the United States, as to all claims for damages.

/s/ John P. Zelbst  
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